



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,810	03/01/2006	Masaaki Uenaka	SHIOP0100US	8381
7590	02/02/2010		EXAMINER	
Neil A DuChez Renner Otto Boisselle & Sklar 1621 Euclid Avenue, 19th Floor Cleveland, OH 44115			BERCH, MARK L	
			ART UNIT	PAPER NUMBER
			1624	
			MAIL DATE	DELIVERY MODE
			02/02/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

The amendment filed 01/26/2010 under 37 CFR 1.116 in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because: The proposed amendment raises new issues that would require further consideration and/or search.

Comprises is open-ended in claim 1, so that the claim would now read on a solvate with 2-propanol and anything else, including nothing else. As was stated previously a solvate with just 2-propanol is not enabled, because the actual product as described in the spec was a solvate of 2-propanol and water both. And this proposed claim language would cover a double solvate of say, 2-propanol and acetone, which is not enabled or described.

The argument concerning claim 19 is accepted and that rejection is dropped. The amendment, if entered, would have taken care of the claim 17 issue but not the objection to the specification. Note that example 7 is the example with the 2-propanol, which is the sole solvent named in the proposed claim. That is, if this amendment were entered, the cancellation of claims 7-14 would have rendered moot the problem with examples 8-10, but not example 7.

In short, applicants are trying to claim a solvate with 2-propanol, either alone or as a double solvate with anything else, based on an example which a) did not give 2-propanol alone, but a double solvate with 2-propanol and water and b) appears clearly defective, as there are 2 ½ moles of water present even though there is no water present in the example as described. Either the product of example 7 is incorrectly described, or the process is incorrectly described, and moreover, the specification provides no teaching of the open-

ended language of proposed claim 1, embracing a double solvent with 2-propanol and anything.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark L. Berch whose telephone number is 571-272-0663. The examiner can normally be reached on M-F 7:15 - 3:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on (571)272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark L. Berch/
Primary Examiner
Art Unit 1624

2/2/2010